

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- May 17, 1967

Appeal No. 9220 Samuel Levy et al, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Messrs. Arthur B. Hatton dissenting and William S. Harps not participating, the following Order was entered at the meeting of the Board on May 22, 1967.

EFFECTIVE DATE OF ORDER - Sept. 28, 1967

ORDERED:

That the appeal for permission to provide accessory parking on lots 872 and 894, 3053 M Street, NW., square 1209, to serve proposed motion picture theatre at 2819 M Street, NW., be conditionally granted.

FINDINGS OF FACT:

(1) The subject property is an established commercial parking lot located in a C-2 District. The lot abuts the Old Stone House operated by the National Park Service.

(2) Appellant proposes to establish accessory off-street parking on this parking lot to serve a proposed motion picture theatre at 2819 M Street, NW.

(3) The parking lot has split zoning, the front portion being C-2 and the rear portion being R-3.

(4) The Board granted permission to use the lot for parking in Appeals Nos. 6260 and 9123. The lot will accommodate approximately 75 automobiles.

(5) The site of the proposed theatre is improved with a one story concrete structure formerly used as a foreign car dealership. The property is now vacant. The theatre will be designed to seat no more than 280 persons.

(6) Section 7202.1 of the Zoning REgulations provides that places of assemblage shall provide one off-street parking space for each ten seats of capacity for the first 10,000 seats. Under this Section, applicant is required to provide 30 off-street spaces.

(7) Section 7201.2 of the Zoning Regulations provides that: "When the use of a structure is changed to another use which requires more parking spaces than required for the use existing immediately prior to such change or, if the structure is vacant, the use which existed immediately prior to such vacancy, parking spaces shall be provided for the additional requirement in the amount necessary to conform to Section 7202."

(8) Appellant is given credit for 16 spaces for the prior use, a retail-service agency and must provide 14 additional parking spaces.

(9) A letter dated May 15, 1967 (Exhibit No. 16) from Sol's Parking Services states that parking for the theatre will be provided on the lot operated by the writer. A discount rate will be offered theatre patrons. The current rates for parking are 60¢ for the first hour and 50¢ for each additional hour with no maximum. Theatre patrons will be offered parking at the lot for the flat rate of 50¢.

(10) Exhibit No. 16 also indicates that a check of the parking lot during evening hours was made for the period from January 1 to April 30, 1967 and the average number of automobiles using the lot were:

Monday	15
Tuesday	12
Wednesday	17
Thursday	25
Friday	32
Saturday	34

(11) Appellant states that the theatre operator will pay half of the parking fee, thus patrons of the theatre would be able to park for 25¢ each.

(12) Appellant states that he has explored the availability of parking on other property and has determined that the subject site is the closest suitable place where the accessory parking may be located.

(13) The proposed accessory parking is located within 800 feet of the theatre use. The parking spaces proposed are so located that they will furnish reasonable and convenient parking facilities for the patrons of the proposed theatre.

(14) The Citizens Association of Georgetown opposed the granting of this appeal. The file contains 11 letters from residents of the area opposing this appeal was also registered at the public hearing.

OPINION:

The Board is of the opinion that this appeal may be granted within the requirements of Section 8207.2 of the Zoning Regulations in that the proposed accessory parking will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Regulations. Further, the proposed accessory parking lot is reasonably necessary and convenient to the use it is proposed to serve.

This Order shall be subject to the following conditions:

Appellant shall provide and record a covenant for fourteen parking spaces at 3053 M Street, NW., to insure that that number of spaces will be available for use as long as the property at 2819 M Street, NW. is operated as a motion picture theatre.